

“(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

“(B) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.”.

**SA 1759.** Mrs. MURRAY (for herself, Mr. MANCHIN, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE IV—TOXIC EXPOSURE SAFETY ACT OF 2021**

**SECTION 6401. SHORT TITLE.**

This title may be cited as the “Toxic Exposure Safety Act of 2021”.

**SEC. 6402. ESTABLISHING A TOXIC SPECIAL EXPOSURE COHORT.**

(a) **EXPANSION OF COVERED EMPLOYEES AND DEFINITION OF COVERED ILLNESSES UNDER SUBTITLE E.**—Section 3671 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s) is amended—

(1) in paragraph (1)—

(A) by striking “employee determined under” and inserting the following: “employee determined—

“(A) under”;

(B) by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(B) to have contracted a covered illness and be a member of the Toxic Special Exposure Cohort established under section 3671A.”; and

(2) by striking paragraph (2) and inserting the following:

“(2) The term ‘covered illness’ means an occupational illness or death resulting from exposure to a toxic substance, including—

“(A) all forms of cancer;

“(B) malignant mesothelioma;

“(C) pneumoconiosis, including silicosis, asbestosis, and other pneumoconiosis, and other asbestos-related diseases, including asbestos-related pleural disease;

“(D) any illness identified in a health studies report under section 6405(f)(4) of the Toxic Exposure Safety Act of 2021 or a report under section 3615(f)(2)(D); and

“(E) any additional illness that the Secretary of Health and Human Services designates by regulation, as such Secretary determines appropriate based on—

“(i) the results of the report under section 3671A(c); and

“(ii) the determinations made by such Secretary in establishing a Toxic Special Exposure Cohort under section 3671A.”.

(b) **DESIGNATION OF TOXIC SPECIAL EXPOSURE COHORT.**—Subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s et seq.) is amended by inserting after section 3671 the following:

**“SEC. 3671A. ESTABLISHMENT OF THE TOXIC SPECIAL EXPOSURE COHORT.**

“(a) **CERTAIN DESIGNATIONS.**—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention—

“(1) shall establish a Toxic Special Exposure Cohort; and

“(2) as the Secretary determines appropriate in accordance with the rules promulgated under subsection (b), may designate classes of Department of Energy employees, Department of Energy contractor employees, or atomic weapons employees as members of the Toxic Special Exposure Cohort.

“(b) **PROMULGATION OF RULES.**—Not later than 1 year after the date of enactment of the Toxic Exposure Safety Act of 2021, the Secretary of Health and Human Services shall promulgate rules—

“(1) establishing a process to determine whether there are classes of Department of Energy employees, Department of Energy contractor employees, or other classes of employees employed at any Department of Energy facility—

“(A) who were at least as likely as not exposed to toxic substances at a Department of Energy facility; and

“(B) for whom the Secretary of Health and Human Services has determined, after taking into consideration the recommendations of the Advisory Board on Toxic Substances and Worker Health on the matter, that it is not feasible to estimate with sufficient accuracy the frequency, intensity, and duration of exposure they received; and

“(2) regarding how the Secretary of Health and Human Services will designate employees, or classes of employees, described in paragraph (1) as members of the Toxic Special Exposure Cohort established under subsection (a)(1), which shall include a requirement that the Secretary shall make initial determinations regarding such designations.

“(c) **REPORT TO CONGRESS.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Toxic Exposure Safety Act of 2021, the Secretary of Health and Human Services shall submit to the relevant committees of Congress a report that identifies each of the following:

“(A) A list of cancers and other illnesses associated with toxic substances that pose, or posed, a hazard in the work environment at any Department of Energy facility.

“(B) The minimum duration of work required to qualify for the Toxic Special Exposure Cohort established under subsection (a)(1).

“(C) The class of employees that are designated as members in the Toxic Special Exposure Cohort.

“(2) **RELEVANT COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term ‘relevant committees of Congress’ means—

“(A) the Committee on Armed Services, Committee on Appropriations, Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

“(B) the Committee on Armed Services, Committee on Appropriations, Committee on Energy and Commerce, and the Committee on Education and Labor of the House of Representatives.”.

(c) **ALLOWING SUBTITLE B CLAIMS FOR ELIGIBLE EMPLOYEES WHO ARE MEMBERS OF THE TOXIC SPECIAL EXPOSURE COHORT.**—Section 3621(l) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(1)) is amended by adding at the end the following:

“(D) A Department of Energy employee or atomic weapons employee who—

“(i) has contracted a covered illness (as defined in section 3671); and

“(ii) satisfies the requirements established by the Secretary of Health and Human Services for the Toxic Special Exposure Cohort under section 3671A.”.

(d) **CLARIFICATION OF TOXIC SUBSTANCE EXPOSURE FOR COVERED ILLNESSES.**—Section 3675(c)(1) of the Energy Employees Occu-

tional Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–4(c)(1)) is amended by inserting “(including chemicals or combinations or mixtures of a toxic substance, including heavy metals, and radiation)” after “toxic substance” each place such term appears.

**SEC. 6403. PROVIDING INFORMATION REGARDING DEPARTMENT OF ENERGY FACILITIES.**

Subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s et seq.) is amended by inserting after section 3681 the following:

**“SEC. 3681A. COMPLETION AND UPDATES OF SITE EXPOSURE MATRICES.**

“(a) **DEFINITION.**—In this section, the term ‘site exposure matrices’ means an exposure assessment of a Department of Energy facility that identifies the toxic substances or processes that were used in each building or process of the facility, including the trade name (if any) of the substance.

“(b) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Toxic Exposure Safety Act of 2021, the Secretary of Labor shall, in coordination with the Secretary of Energy, create or update site exposure matrices for each Department of Energy facility based on the records, files, and other data provided by the Secretary of Energy and such other information as is available, including information available from the former worker medical screening programs of the Department of Energy.

“(c) **PERIODIC UPDATE.**—Beginning 90 days after the initial creation or update described in subsection (b), and each 90 days thereafter, the Secretary shall update the site exposure matrices with all information available as of such time from the Secretary of Energy.

“(d) **INFORMATION.**—The Secretary of Energy shall furnish to the Secretary of Labor any information that the Secretary of Labor finds necessary or useful for the production of the site exposure matrices under this section, including records from the Department of Energy former worker medical screening program.

“(e) **PUBLIC AVAILABILITY.**—The Secretary of Labor shall make available to the public, on the primary website of the Department of Labor—

“(1) the site exposure matrices, as periodically updated under subsections (b) and (c);

“(2) each site profile prepared under section 3633(a);

“(3) any other database used by the Secretary of Labor to evaluate claims for compensation under this title; and

“(4) statistical data, in the aggregate and disaggregated by each Department of Energy facility, regarding—

“(A) the number of claims filed under this subtitle and the number of claims filed by members of the Toxic Special Exposure Cohort who are covered under subtitle B;

“(B) the types of illnesses claimed;

“(C) the number of claims filed for each type of illness and, for each claim, whether the claim was approved or denied;

“(D) the number of claimants receiving compensation; and

“(E) the length of time required to process each claim, as measured from the date on which the claim is filed to the final disposition of the claim.

“(f) **FUNDING.**—There is authorized and hereby appropriated to the Secretary of Energy, for fiscal year 2021 and each succeeding year, such sums as may be necessary to support the Secretary of Labor in creating or updating the site exposure matrices.”.

**SEC. 6404. ASSISTING CURRENT AND FORMER EMPLOYEES UNDER THE EEOICPA.**

(a) **PROVIDING INFORMATION AND OUTREACH.**—Subtitle A of the Energy Employees

Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384d et seq.) is amended—

(1) by redesignating section 3614 as section 3616; and

(2) by inserting after section 3613 the following:

**“SEC. 3614. INFORMATION AND OUTREACH.**

“(a) ESTABLISHMENT OF TOLL-FREE INFORMATION PHONE NUMBER.—By not later than January 1, 2022, the Secretary of Labor shall establish a toll-free phone number that current or former employees of the Department of Energy, or current or former Department of Energy contractor employees, may use in order to receive information regarding—

“(1) the compensation program under subtitle B or E;

“(2) information regarding the process of submitting a claim under either compensation program;

“(3) assistance in completing the occupational health questionnaire required as part of a claim under subtitle B or E;

“(4) the next steps to take if a claim under subtitle B or E is accepted or denied; and

“(5) such other information as the Secretary determines necessary to further the purposes of this title.

“(b) ESTABLISHMENT OF RESOURCE AND ADVOCACY CENTERS.—

“(1) IN GENERAL.—By not later than January 1, 2023, the Secretary of Energy, in coordination with the Secretary of Labor, shall establish a resource and advocacy center at each Department of Energy facility where cleanup operations are being carried out, or have been carried out, under the environmental management program of the Department of Energy. Each such resource and advocacy center shall assist current or former Department of Energy employees and current or former Department of Energy contractor employees, by enabling the employees and contractor employees to—

“(A) receive information regarding all related programs available to them relating to potential claims under this title, including—

“(i) programs under subtitles B and E; and

“(ii) the former worker medical screening program of the Department of Energy; and

“(B) navigate all such related programs.

“(2) COORDINATION.—The Secretary of Energy shall integrate other programs available to current and former employees, and current or former Department of Energy contractor employees, which are related to the purposes of this title, with the resource and advocacy centers established under paragraph (1), as appropriate.

“(c) INFORMATION.—The Secretary of Labor shall develop and distribute, through the resource and advocacy centers established under subsection (b) and other means, information (which may include responses to frequently asked questions) for current or former employees or current or former Department of Energy contractor employees about the programs under subtitles B and E and the claims process under such programs.

“(d) COPY OF EMPLOYEE’S CLAIMS RECORDS.—

“(1) IN GENERAL.—The Secretary of Labor shall, upon the request of a current or former employee or Department of Energy contractor employee, provide the employee with a complete copy of all records or other materials held by the Department of Labor relating to the employee’s claim under subtitle B or E.

“(2) CHOICE OF FORMAT.—The Secretary of Labor shall provide the copy of records described in paragraph (1) to an employee in electronic or paper form, as selected by the employee.

“(e) CONTACT OF EMPLOYEES BY INDUSTRIAL HYGIENISTS.—The Secretary of Labor shall

allow industrial hygienists to contact and interview current or former employees or Department of Energy contractor employees regarding the employee’s claim under subtitle B or E.”.

(b) EXTENDING APPEAL PERIOD.—Section 3677(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–6(a)) is amended by striking “60 days” and inserting “180 days”.

(c) FUNDING.—Section 3684 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–13) is amended—

(1) by striking “There is authorized” and inserting the following:

“(a) IN GENERAL.—There is authorized”;

(2) by inserting before the period at the end the following: “, including the amounts necessary to carry out the requirements of section 3681A”;

(3) by adding at the end the following:

“(b) ADMINISTRATIVE COSTS FOR DEPARTMENT OF ENERGY.—There is authorized and hereby appropriated to the Secretary of Energy for fiscal year 2021 and each succeeding year such sums as may be necessary to support the Secretary in carrying out the requirements of this title, including section 3681A.”.

(d) ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.—Section 3687 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–16) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(F), by striking “and” after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) develop recommendations for the Secretary of Health and Human Services regarding—

“(A) whether there is a class of Department of Energy employees, Department of Energy contractor employees, or other employees at any Department of Energy facility who were at least as likely as not exposed to toxic substances at that facility but for whom it is not feasible to estimate with sufficient accuracy the dose they received; and

“(B) the conditions or requirements that should be met in order for an individual to be designated as a member of the Special Exposure Cohort under section 3671A; and

“(4) review all existing, as of the date of the review, rules and guidelines issued by the Secretary regarding presumption of causation and provide the Secretary with recommendations for new rules and guidelines regarding presumption of causation.”;

(2) in subsection (c)(3), by inserting “or the Board” after “The Secretary”;

(3) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(4) by inserting after subsection (g) the following:

“(h) REQUIRED RESPONSES TO BOARD RECOMMENDATIONS.—Not later than 90 days after the date on which the Secretary of Labor and the Secretary of Health and Human Services receives recommendations in accordance with paragraph (1), (3), or (4) of subsection (b), such Secretary shall submit formal responses to each recommendation to the Board and Congress.”.

**SEC. 6405. RESEARCH PROGRAM ON EPIDEMIOLOGICAL IMPACTS OF TOXIC EXPOSURES.**

(a) DEFINITIONS.—In this section—

(1) the term “Department of Energy facility” has the meaning given the term in section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384i);

(2) the term “institution of higher education” has the meaning given such term in

section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(3) the term “Secretary” means the Secretary of Health and Human Services.

(b) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute of Environmental Health Sciences and in collaboration with the Director of the Centers for Disease Control and Prevention, shall conduct or support research on the epidemiological impacts of exposures to toxic substances at Department of Energy facilities.

(c) USE OF FUNDS.—Research under subsection (b) may include research on the epidemiological, clinical, or health impacts on individuals who were exposed to toxic substances in or near the tank or other storage farms and other relevant Department of Energy facilities through their work at such sites.

(d) ELIGIBILITY AND APPLICATION.—Any institution of higher education or the National Academy of Sciences may apply for funding under this section by submitting to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(e) RESEARCH COORDINATION.—The Secretary shall coordinate activities under this section with similar activities conducted by the Department of Health and Human Services to the extent that other agencies have responsibilities that are related to the study of epidemiological, clinical, or health impacts of exposures to toxic substances.

(f) HEALTH STUDIES REPORT TO SECRETARY.—Not later than 1 year after the end of the funding period for research under this section, the funding recipient shall prepare and submit to the Secretary a final report that—

(1) summarizes the findings of the research;

(2) includes recommendations for any additional studies;

(3) describes any classes of employees that, based on the results of the study and in accordance with the rules promulgated by the Secretary under section 3671A(b) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by this title), qualify for inclusion in the Toxic Special Exposure Cohort under such section 3671A; and

(4) describes any illnesses to be included as covered illnesses under section 3671(2)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(2)(D)).

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 120 days after the date on which the reports under subsection (f) are due, the Secretary shall—

(A) designate all classes of employees described in the report under subsection (f)(3) as members of the Toxic Special Exposure Cohort under section 3671A of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by this title);

(B) prepare and submit to the relevant committees of Congress a report—

(i) summarizing the findings from the reports required under subsection (f);

(ii) identifying the classes of employees designated under subparagraph (A);

(iii) identifying any new illnesses that, as a result of the study, will be included as covered illnesses, pursuant to subsection (f)(4) and section 3671(2)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(2)(D)); and

(iv) including the Secretary’s recommendations for additional health studies relating to toxic substances, if the Secretary determines it necessary.

(2) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “relevant committees of Congress” means—

(A) the Committee on Armed Services, Committee on Appropriations, Committee on Energy and Natural Resources, and Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Armed Services, Committee on Appropriations, Committee on Energy and Commerce, and Committee on Education and Labor of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2022 through 2026.

#### SEC. 6406. SUPERCOMPUTING FOR SAFER CHEMICALS (SUPERSAFE) CONSORTIUM.

(a) CONSORTIUM ESTABLISHED.—

(1) LN GENERAL.—The Secretary of Energy (referred to in this section as the “Secretary”), in collaboration with the Secretary of Labor, the Secretary of Health and Human Services, the Director of the National Toxicology Program, and the heads of any other relevant Federal agencies, shall form a consortium, to be known as the “Supercomputing for Safer Chemicals (SUPERSAFE) Consortium” (referred to in this section as the “Consortium”).

(2) INCLUSION OF STATE AGENCIES.—The Secretary of Energy shall allow heads of relevant State agencies to join the Consortium if the State agencies so request.

(b) CONSORTIUM ACTIVITIES.—

(1) IN GENERAL.—The Consortium, working through the National Laboratories and public research institutions, shall use supercomputing and other similar capabilities—

(A) to establish rapid approaches for large-scale identification of toxic substances and the development of safer alternatives to those toxic substances by developing and validating computational toxicology methods based on unique high-performance computing, artificial intelligence/machine learning, and precision measurements;

(B) to transition to a more circular economy and cleaner energy by expanding knowledge to shift the market for toxic substances and products toward safe-by-design alternatives; and

(C) to address the burdens of—

(i) environmental toxic substance exposures in disadvantaged communities;

(ii) greater toxic substances use in products targeted towards those communities; and

(iii) exposure to toxic substances at Department of Energy facilities.

(2) MODELS.—In carrying out paragraph (1), the Consortium shall use supercomputers to develop, validate, and run models to predict adverse health effects caused by toxic substances.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

(1) for fiscal year 2022, \$20,000,000;

(2) for fiscal year 2023, \$30,000,000; and

(3) for each of fiscal years 2024 through 2026, \$35,000,000.

#### SEC. 6407. NATIONAL ACADEMY OF SCIENCES REVIEW.

Subtitle A of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384d et seq.), as amended by section 6404, is further amended by inserting after section 3614 the following:

##### “SEC. 3615. NATIONAL ACADEMY OF SCIENCES REVIEW.

“(a) PURPOSE.—The purpose of this section is to enable the National Academy of Sciences, a non-Federal entity with appropriate expertise, to review and evaluate the available scientific evidence regarding asso-

ciations between diseases and exposure to toxic substances found at Department of Energy cleanup sites.

“(b) DEFINITIONS.—In this section:

“(1) DEPARTMENT OF ENERGY CLEANUP SITE.—The term ‘Department of Energy cleanup site’ means a Department of Energy facility where cleanup operations are being carried out, or have been carried out, under the environmental management program of the Department of Energy.

“(2) HEALTH STUDIES REPORT.—The term ‘health studies report’ means the report submitted under section 6405(f) of the Toxic Exposure Safety Act of 2021.

“(c) AGREEMENT.—Not later than 60 days after the issuance of the health studies report, the Secretary of Health and Human Services shall enter into an agreement with the National Academy of Sciences to carry out the requirements of this section.

“(d) REVIEW OF SCIENTIFIC AND MEDICAL EVIDENCE.—

“(1) IN GENERAL.—Under the agreement described in subsection (c), the National Academy of Sciences shall, for the period of the agreement—

“(A) for each area recommended for additional study under the health studies report under section 6405(f)(2) of the Toxic Exposure Safety Act of 2021, review and summarize the scientific evidence relating to the area, including—

“(i) studies by the Department of Energy and Department of Labor; and

“(ii) any other available and relevant scientific studies, to the extent that such studies are relevant to the occupational exposures that have occurred at Department of Energy cleanup sites; and

“(B) review and summarize the scientific and medical evidence concerning the association between exposure to toxic substances found at Department of Energy cleanup sites and resultant diseases.

“(2) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—In conducting each review of scientific evidence under subparagraphs (A) and (B) of paragraph (1), the National Academy of Sciences shall—

“(A) assess the strength of such evidence;

“(B) assess whether a statistical association between exposure to a toxic substance and a disease exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect an association;

“(C) assess the increased risk of disease among those exposed to the toxic substance during service during the production and cleanup eras of the Department of Energy cleanup sites;

“(D) survey the impact to health of the toxic substance, focusing on hematologic, renal, urologic, hepatic, gastrointestinal, neurologic, dermatologic, respiratory, endocrine, ocular, ear, nasal, and oropharyngeal diseases, including dementia, leukemia, chemical sensitivities, and chronic obstructive pulmonary disease; and

“(E) determine whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the toxic substance and disease.

“(e) ADDITIONAL SCIENTIFIC STUDIES.—If the National Academy of Sciences determines, in the course of conducting the studies under subsection (d), that additional studies are needed to resolve areas of continuing scientific uncertainty relating to toxic exposure at Department of Energy cleanup sites, the National Academy of Sciences shall include, in the next report submitted under subsection (f), recommendations for areas of additional study, consisting of—

“(1) a list of diseases and toxins that require further evaluation and study;

“(2) a review the current information available, as of the date of the report, relating to such diseases and toxins;

“(3) the value of the information that would result from the additional studies; and

“(4) the cost and feasibility of carrying out additional studies.

“(f) REPORTS.—

“(1) IN GENERAL.—By not later than 18 months after the date of the agreement under subsection (c), and every 2 years thereafter, the National Academy of Sciences shall prepare and submit a report to—

“(A) the Secretary;

“(B) the Committee on Health, Education, Labor, and Pensions and the Committee on Energy and Natural Resources of the Senate; and

“(C) the Committee on Natural Resources, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the 18-month or 2-year period covered by the report—

“(A) a description of—

“(i) the reviews and studies conducted under this section;

“(ii) the determinations and conclusions of the National Academy of Sciences with respect to such reviews and studies; and

“(iii) the scientific evidence and reasoning that led to such conclusions;

“(B) the recommendations for further areas of study made under subsection (e) for the reporting period;

“(C) a description of any classes of employees that, based on the results of the reviews and studies and in accordance with the rules promulgated by the Secretary under section 3671A(b), qualify for inclusion in the Toxic Special Exposure Cohort under such section 3671A; and

“(D) the identification of any illness that the National Academy of Sciences has determined, as a result of the reviews and studies, should be a covered illness under section 3671(2)(D).

“(g) LIMITATION ON AUTHORITY.—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

“(h) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (f).”

#### SEC. 6408. CONFORMING AMENDMENTS.

The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) is amended—

(1) in the table of contents—

(A) by redesignating the item relating to section 3614 as the item relating to section 3616;

(B) by inserting after the item relating to section 3613 the following:

“Sec. 3614. Information and outreach.

“Sec. 3615. National Academy of Sciences review.”;

(C) by inserting after the item relating to section 3671 the following:

“Sec. 3671A. Establishment of the Toxic Special Exposure Cohort.”;

and

(D) by inserting after the item relating to section 3681 the following:

“Sec. 3681A. Completion and updates of site exposure matrices.”;

and

(2) in each of subsections (b)(1) and (c) of section 3612, by striking “3614(b)” and inserting “3616(b)”.

**SA 1760.** Ms. CORTEZ MASTO (for herself, Mr. YOUNG, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

#### **TITLE VII—SMALL BUSINESS INNOVATION VOUCHERS**

##### **SEC. 2701. SHORT TITLE.**

This title may be cited as the “Small Business Innovation Voucher Act of 2021”.

##### **SEC. 2702. DEFINITIONS.**

In this title:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Institute of Standards and Technology.

(2) **PROGRAM.**—The term “Program” means the Innovation Voucher Grant Program established under section 2703(a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

(4) **SMALL BUSINESS.**—The term “small business” means a business with 50 or fewer employees.

(5) **SMALL BUSINESS IN AN UNDERSERVED MARKET.**—The term “small business in an underserved market” means a small business concern owned and controlled by socially and economically disadvantaged individuals (as defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C))) that is a small business (as defined in this section).

##### **SEC. 2703. INNOVATION VOUCHER GRANT PROGRAM.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this division, the Secretary shall, acting through the Director, establish a program under which the Secretary shall, on a competitive basis and in accordance with subsection (g), award to eligible entities grants or financial assistance in another form for the provision of technical assistance to small businesses to assist the small businesses in carrying out projects that advance research, development, or commercialization of new or innovative products and services.

(2) **PURPOSES OF PROGRAM.**—The purposes of the Program are—

(A) to foster collaboration between small businesses and research institutions or other similar organizations;

(B) to facilitate access by small businesses to capital-intensive infrastructure and advanced research capabilities;

(C) to enable small businesses to access technical expertise and capabilities that will lead to the development of innovative products;

(D) to promote business dynamism and competition;

(E) to stimulate United States leadership in advanced research, innovation, and technology;

(F) to accelerate the development of an advanced workforce; and

(G) to preserve and create new jobs.

(3) **DESIGNATION.**—The program established under paragraph (1) shall be known as the “Innovation Voucher Grant Program”.

(b) **ELIGIBLE ENTITIES.**—

(1) **IN GENERAL.**—For purposes of the Program, an eligible entity is an entity that the Director determines—

(A) is—

(i) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(ii) a nonprofit research lab, institution, or other similar organization in the United States associated with educational or research activities, including a federally funded research and development center; and

(B) according to terms that the Director considers appropriate, is a suitable provider of knowledge for purposes of the program.

(2) **GEOGRAPHIC DIVERSITY.**—In determining whether entities are suitable providers of knowledge under paragraph (1)(B), the Director shall seek to establish geographic diversity among eligible entities.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—An eligible entity seeking a grant or other financial assistance under the Program to assist the eligible entity in providing technical assistance to small businesses shall, in conjunction with one or more small businesses, submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may require.

(2) **DEADLINE.**—The Secretary shall establish a deadline for the submittal of applications under paragraph (1).

(3) **SELECTION.**—Not later than 180 days after the deadline established under paragraph (2), the Secretary shall select the recipients of the grants or other financial assistance under the Program.

(d) **EVALUATION.**—In evaluating an application for a grant or other financial assistance under the Program, the Secretary shall take into consideration—

(1) the likelihood that the amounts of the grant or financial assistance will be used to create or advance a novel product or service;

(2) the technical feasibility of creating or advancing a novel product or service proposed to be created or advanced using technical assistance provided with assistance under the Program; and

(3) whether creating or advancing a product or service proposed to be created or advanced using technical assistance supported by a grant under the Program could be accomplished without a grant awarded under the Program.

(e) **AMOUNT.**—A grant or other financial assistance awarded under the Program shall be awarded in an amount of not less than \$20,000 and not more than \$75,000, which shall remain available to the recipient of the grant until expended.

(f) **AMOUNTS FOR SMALL BUSINESSES.**—

(1) **IN GENERAL.**—Except to the extent that the Secretary determines otherwise, not less than 40 percent of the amounts made available for the Program in a fiscal year shall be set aside and expended through eligible entities providing technical assistance to—

(A) small businesses in underserved markets; or

(B) small businesses in regions or States that have historically been underserved by Federal research and development funds.

(2) **REMAINING AMOUNT.**—Any amount that is set aside under paragraph (1) in a fiscal year that is not expended by the end of the fiscal year shall be—

(A) except as provided in subparagraph (B), available in the following fiscal year to make grants to eligible entities described in paragraph (1); and

(B) on and after October 1, 2024, available to award grants to all eligible entities under the Program.

(g) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—The Secretary may not award a grant to an eligible entity under the Program to provide technical assistance to a small business unless the eligible entity agrees that, with respect to the costs to be

incurred by the eligible entity in providing such technical assistance, the eligible entity will make available non-Federal contributions in an amount equal to—

(A) in the case of an award in an amount that is less than \$50,000, not less than 25 percent of the amount of the award; and

(B) in the case of an award in an amount that is equal to or greater than \$50,000, not less than 50 percent of the amount of the award.

(2) **SOURCES OF NON-FEDERAL CONTRIBUTIONS.**—Non-Federal contributions under paragraph (1) may be derived from non-Federal contributions provided by the eligible entity, the small business, or from such State and local government sources as the Secretary considers appropriate.

(h) **REPORTS.**—

(1) **REPORTS FROM GRANT RECIPIENTS.**—Not later than 180 days after the date on which a project carried out with technical assistance provided with support from a grant or other financial assistance awarded under the Program is completed, the recipient of the grant or other financial assistance shall submit to the Secretary a report on the project, including—

(A) whether and how the project met the original expectations for the project;

(B) how the results of the project were incorporated in the business of the small business; and

(C) whether and how the project improved innovation practices of the small business.

(2) **REPORT OF THE SECRETARY.**—Not later than 2 years after the date on which the Secretary establishes the Program, and every 2 years thereafter until the date on which the amounts appropriated for the Program are expended, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on grants and other financial assistance awarded under the Program, including—

(A) a description of the grants and financial assistance awarded;

(B) the estimated number of products or services created or advanced with technical assistance supported by a grant or other financial assistance awarded under the Program that could have been created or advanced without a grant or financial assistance awarded under the Program; and

(C) a description of the impact of the Program on knowledge transfer and commercialization.

(3) **FINAL REPORT OF THE SECRETARY.**—Not later than 180 days after the date on which amounts appropriated for the Program are expended, the Secretary shall submit to the committees described in paragraph (2) a final report containing the information described in subparagraphs (A), (B), and (C) of that paragraph.

##### **SEC. 2704. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Secretary to carry out the Program \$10,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

**SA 1761.** Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes;